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HUMAN SOCIAL REALITY AND LANGUAGE

abstract

My question, in this work, will be: How do human beings create such complex phenomena as money, government, property, and marriage?

Here, I will maintain four theses. First, all of human institutional reality is created in its initial form by a certain type of linguistic representation that has the same logical structure as Declarations and as these create Status Functions, I call them Status Function Declarations. Secondly, institutional reality is maintained in its continuing existence by Status Function Declarations. Third, the status functions without exception function to create power. So the purpose of institutional facts is to create power relations. Fourth, the powers in question have a very peculiar status, because they function by creating reasons for action that are independent of the desires or inclinations of the agents in question. All institutional facts are created by Status Function Declarations, and these Status Function Declarations create deontic powers, and Deontic powers, when recognized, give desire independent reasons for action.

keywords

Social and institutional reality, status functions declarations, collective intentionality, deontic powers, human rights

1. The Central Problem in Contemporary Philosophy

There is an overriding problem in philosophy. It is the problem of how to reconcile what we know about the world from physics, chemistry, and the other hard sciences with what we think about ourselves. The hard sciences tell us that the world is entirely composed of physical particles in fields of force, and thus is composed of mindless, meaningless entities. Everything consists of “atoms in the void”. Yet we think of ourselves as conscious, free, rational, linguistic, political, aesthetic, ethical, creative, speech act performing animals. Our question is, How can we show how our self-conception is not just consistent with, but is in fact a natural consequence of what we know about the reality as described by physics and chemistry and other hard sciences? How do we get from protons to presidents and from electrons to elections? The human reality is based on, and in a sense we need to explain, composed of, the basic reality. We need an account that shows how human aspects of reality grow naturally out of the brute physical aspects of reality. Today I am going to talk about one aspect of this larger problem.

I am going to assume that we have a solution to the traditional “mind-body problem”, that we have an account of how conscious intentionality arises out of neurobiological process just as the neurobiological processes themselves arise out of a more fundamental physical process. I am going to assume then that we already have a world that contains conscious human beings, and our question is: How do such animals create such complex phenomena as money, government, property, and marriage?

Before launching into the problem, I want to say something about my own history in investigating these issues. When I first began work in philosophy, I worked mostly on the philosophy of language, and I wrote a book on speech acts (Searle, 1969). The book was written at a time when Wittgenstein was the dominant philosophical influence, and in my own case, I was also influenced by my teachers J.L. Austin and P.F. Strawson. The basic idea behind the book *Speech Acts* is that we ought to think of language as a form of intentional human activity, like playing a game. And just as in playing a game, we make certain moves that count as having such and such a status in the game, so when we play the game of language, we make such and such moves that constitute having such and such a status in the game of language. In a game, if I kick a ball in the net, that counts as a goal. If I move my Knight into a certain position, that counts as putting the opposing King in check. Similarly, when I make certain utterances through my mouth,

that counts as making a statement or making a promise. I thought the basic principle that underlies both games and speech was what I called constitutive rules—rules that do not just regulate a pre-existing activity, but rather constitute the very activity that they regulate. And it also seemed to me that the general form of constitutive rules was “X counts as Y in context C”. So, for example, such and such a move of the Knight counts as a legal move, and such and such a legal move counts as putting the opponent in check, and such and such a type of check counts as checkmate. Similarly with language: such and such occurrences count as making a promise. Certain other utterances count as making statements or commands. My approach was part of the general anti-Cartesianism of that philosophical era. We were to think of meanings not as sets of introspectable entities, but rather knowing the meaning of words and sentences is a matter of having certain abilities to engage in speech acts. I think that this approach is basically right, but I have had to make certain fundamental modifications in it in my overall philosophical approach.

When I first began work on these issues, I wanted to use the analogy with games to explain language, but in fact it turns out that I have to use language to explain games. Games presuppose language in a way that language does not presuppose games. On the account that I am about to present you, language is not just one social institution among others, it is the fundamental social institution. All of the others depend on language in a way that I am going to explain. Intuitively, we feel there is something right about this approach, because it seems natural to think that a tribe might have a language and not have money, private property, and government. But it seems impossible that they could have money, private property, and government without having a language.

2. The Basic Structure of Institutional Facts

When I wrote my first book on this topic, *The Construction of Social Reality* (Searle, 1995), I thought that institutional reality could be explained with a very simple set of four fundamental concepts. These are first the ability to cooperate, to have what I call collective intentionality, and second, the ability to impose functions on objects where the function is the result of the imposition of a certain kind of intentionality on the object. These two features—collective intentionality and the imposition of function—are not unique to the human species. Beaver dams and birds’ nests are also the imposition of functions on objects, and such functions are typically the result of collective activities, of collective intentionality. But a remarkable thing about human beings, and this is the third of my explanatory concepts I need to explain, is that they have a capacity to impose a special kind of

function on objects, which I call a “Status Function”. A Status Function is a function that can be performed only in virtue of the fact that there is a collective acceptance of the object as having a certain type of status, and with that status goes a function that can be performed only to the extent that the status is collectively accepted. Think of the president of United States, the twenty Euro note in my pocket, or my position as being a Professor of Philosophy at the University of California in Berkeley. All of these are Status Functions, in that they are not functions that can be performed solely in virtue of the physics of the object, but they require a certain status and a certain collective acceptance of that status. It seemed to me that my earlier discussion of constitutive rules gave us the mechanism for understanding these Status Functions. The form of the imposition of the Status Function is that a certain entity X, a person or an object, counts as having a status Y in a context C, and the acceptance of that status Y carries with it a function F, which can only be performed in virtue of the collective acceptance of that function. This was the fourth of my fundamental explanatory concepts, the use of constitutive rules to create Status Functions.

The basic idea of a Status Function is so important, and the logical structure of its imposition and maintenance is so central to the understanding of human civilization that I want to say a little bit more about it. The basic idea is this: many functions of objects can be performed solely in virtue of physical structure. Think of the pocket knife that I have or the fountain pen that I have or the shoes that I wear or the car that I drive. All of these perform their functions in virtue of their physical structure, but with our serpentine human ingenuity, our lives are permeated by objects that do not perform their functions solely in virtue of physical structure. Think of the money in your pocket or the credit cards that you carry or your position as a citizen of Italy or of the United States. Think of Barack Obama’s role as president or the Congress of the United States acting to pass legislation. All of these are entities that can perform their function only in virtue of a set of attitudes that people have, collective intentionality, but the collective intentionality is of a peculiar kind. It is of a kind that enables us to assign a status to an object where the object can perform the function only in virtue of the collective recognition of the status, and just to have a label, I call these Status Functions.

Now these four concepts—collective intentionality, the imposition of function, Status Functions, and Constitutive Rules—gave me a very powerful set of concepts for analyzing social and institutional reality. And it seemed to me also that I had the general form right, and that the form of the

imposition of status functions is always the Constitutive Rule in the form “X counts as Y”. This is the general structure that explains money, government, property, marriage, universities, cocktail parties, summer vacations, lawyers, doctors, and all sorts of other things that we think of as important to human civilization. This furthermore is how we differ from other animals. There are lots of animals that apparently cooperate with each other, and it is interesting how far collective intentionality extends, but for our present purposes it does not matter. Human beings have collective intentionality, and this is a remarkable feature about us. Given collective intentionality, and given the application of principles of the form “X counts as Y in C”, we can create and maintain Status Functions.

You might think that if that is your theory of human institutional reality, that it is simply a matter of X counts as Y in C, then it looks much too feeble. How can we explain human civilization just by the repeated application of this not very substantive sounding formal principle? It seems too weak to account for human civilization. I appreciate the force of this worry, but I want to remark that constitutive rules have certain remarkable properties of a purely formal kind. Specifically, the application of the rule iterates upward indefinitely, and it spreads out laterally indefinitely. I want to illustrate these two formal features. As I said earlier, I make certain noises through my mouth, and that counts as uttering a sentence of English, but uttering certain sentences of English counts as making a promise; and making a certain sort of promise counts as undertaking a legal contract; and undertaking a certain sort of legal contract counts as getting married. Now notice what has happened in the preceding sequence. We had X₁ counts as Y₁, but at the next level, Y₁ becomes X₂, which counts as Y₂, and then Y₂ becomes X₃, which counts as Y₃, and so on upward indefinitely. There is no limit, other than human exhaustion and inability to understand complexity, to how far upward you can keep going with the iteration of the formula “X counts as Y in C”. Furthermore, the application of the formula spreads laterally. So I do not just have money, but I have money in my bank account at the Bank of America on Telegraph avenue, and it is placed there by my employer, The Regents of the University of California, and I use it to pay my Federal and State income taxes and all sorts of credit card bills and other forms of debt that I undertake. Now in the sequence of entities that I just mentioned, with a possible exception of Telegraph Avenue, all are Status Functions. The University of California, the Regents, income tax, credit cards—all of those are Status Functions. So the application of the formula iterates not only upward, but it spreads out laterally. You never just have an institutional fact on its own, but you have an institutional fact in a huge network of other institutional facts.

3. Improving the Theory

I think that the theory I just described is a pretty good theory, and what I am going to do is show how, by making certain small adjustments, we can increase its power enormously.

The first thing to notice about the theory as stated is that it allows for certain sorts of apparent exceptions. So, for example, we need not have an established procedure in order to create a status function. It is true that I count as a citizen of the United States or I count as a professor at the University of California in Berkeley, because I satisfy certain X conditions, which count as constituting these Y status functions; but sometimes we can just create an institutional fact without any of these, without a constitutive rule. You just decide collectively to treat somebody as the boss. You might even do it informally. You might say, "Well we cannot really do anything until Sally gets here. We better not make any decisions until we consult with Sally." In doing this, we are treating Sally as having a status function, without there being any antecedently existing institution. Maybe, indeed, that is how institutions got started—somebody just decides this is *my* house, that is *my* property, this is *my* woman or *my* man, this person is *our* boss. So we have what we might call *ad hoc* cases, where there is no constitutive rule, but you just create status functions out of the blue.

Another interesting apparent counterexample to the theory as I originally stated it is that sometimes you can create a status function without imposing a function on a preexisting X term. You just, so to speak, create an institutional fact out of the blue. An obvious example is the creation of corporations. We do not take some entity, some building or group of people, and make it the case that they are now a corporation. Rather, we just make it the case that an entity that did not previously exist, such and such a corporation, now exists. And this enables us to assign further status functions to people, such as officers in the corporation or shareholders in the corporation, but the corporation itself is not a physical entity on which a status function has been imposed. It is created, so to speak, out of nothing. Another example is money. There is a certain irony when we consider these cases, in that my favorite example of an institutional fact was always money, where we take pieces of paper or bits of metal and count them as currency or coins, but interestingly, most of our money has no physical existence at all. If you think that in the bank where you have your bank account there must be a drawer with your name on it where they keep your money, you have a mistaken conception of how banks work. What actually happens is that your money has no physical existence as such, but rather, the bank has a *representation* of your money. It keeps a record, the only physical form of which are magnetic traces on computer disks, where they record the amount

of money you have in the bank; and then changes in the amount of money you have consist entirely in changes in the representation on the computer disk. What is happening in these cases? How can there be something as powerful as money where there is no physical existence to the entity at all but just representations of the existence of the entity?

One of the marks of the philosopher is the ability to be astounded by what any sane person takes for granted. I think most people take money and corporations for granted. But if you think about them, they are both amazing human creations. If you think for a moment about the limited liability corporation, it is a wonderfully ingenious fabrication. A set of huge, powerful institutions with no physical reality at all. Of course there are buildings and people, but they are not constitutive of the corporation. The corporation is just an abstract entity. And similarly with money. Money starts out as physical objects, but then we find you do not need the actual physical objects. All you need are representations of quantities, and the ability to change the amounts of the representation by way of exchanging one quantity of money for something else or for some other quantity of money. These exchanges are called buying and selling. These two types of cases force an interesting question on us. How can we make something the case as represented by being the case, even though there is no X term which we represent as acquiring a new factual feature? In order to explain how this works, I have to say a little about how language works.

4.

The Fundamental Types of Speech Acts

I said in the earlier sections that we are going to explain how to reconcile human reality with non-human physical reality. In this investigation, there are two principles we have to keep in mind. The first is: we live in one world. We must not accept any kind of dualism that says that there are two kinds of entities—the mental and the physical—nor, even worse, trialism, the view that says there are three kinds of realities—mental, physical, and cultural. There is only one reality. We all live in it. We have to explain how it works. The second principle that we have to follow in this investigation is that any mechanisms we postulate must be simple. Humans are not so intelligent as to be able to apply very complex mechanisms. Rather, there is a simple mechanism that creates complex human reality by its repeated application.

In order to explain how humans create institutional reality, and thereby create the distinctive features of human civilization, I have to say a little bit about the nature of language. In what follows, I am going to give you a five minute summary of some of the central features of the theory of speech acts. I apologize for the brevity, but I need some of these results in order to

answer the question we are facing.

The basic form of the speech act is $F(p)$, where the “F” marks the type of speech act it is, what Austin called its illocutionary force, whether it is a statement, promise, or command, and the “p” marks the propositional content. Thus, the statement that you will leave the room and the order that you will leave the room have the same propositional content, the same “p”, but each has a different “F”, a different illocutionary force, that of a statement, and an order respectively. If we ask ourselves how many types of such speech acts are there? One basic way of classifying them is by how they relate to reality. Some of our utterances are supposed to match how things are in the world. The philosophers favorites are statements and assertions. Thus, philosophers like examples such as “All men are mortal”, “the cat is on the mat”, and “Socrates is bald”. All of these are supposed to match an independently existing reality, and to the extent that we do, we say that they are *true* or *false*. I like to think in simple metaphors. Think of these as matching reality or failing to match. They have what we could call the word-to-world direction of fit, and I represent that with a downward arrow thus \downarrow . But not all utterances set out to be true or false, and not all of them attempt to describe an independently existing reality. Some are designed to get people to change reality, and typical examples of such utterances are orders, promises, commands, and requests. Such speech acts have the world-to-word direction of fit, because the aim of the speech act is not to tell us how things are, but to try to get the world to change in the form of the behavior of the speaker or hearer so that the world changes to match the content of the words. I represent the world-to-word direction of fit with the upward arrow thus \uparrow . I call the first class of speech acts that have the word-to-world direction of fit Assertives. The second type of speech acts that have the world-to-word direction of fit breaks into two kinds: Directives, which includes orders, commands, and requests, and Commissives, which include promises, vows, threats, and pledges. So far, then, we have three classes of speech acts: Assertives, where the aim is to match an independently existing reality, Directives, where the aim is to get people’s behavior to change to match the content of the speech act, and Commissives, where the aim is to commit the speaker in varying degrees to changing his behavior to match the content of the speech act.

A fourth class are cases where we take the fit for granted and express some feeling or attitude about the state of affairs represented. So, if I apologize for stepping on your foot, thank you for giving me the money, or congratulate you on winning the prize, then in each case I take it for granted that I have stepped on your foot, that you have given me the money, that you have

won the prize, and the whole point of the speech act is to express some psychological state about that. In such cases, I say the fit is presupposed. I call these Expressives.

The fifth class of cases is the most interesting from the point of view of our present investigation, and those are cases where we make something the case by representing it as being the case. That is, we make it the case that the world matches the propositional content of the speech act, and thus we achieve world-to-word direction of fit, but we make it the case by representing it as being the case, by representing it with the downward or word-to-world direction of fit. I represent these with an arrow that has both directions of fit thus \updownarrow . The most famous cases of these are the so called “performative” utterances, where we make something the case by saying that it is the case. I make a promise by saying “I promise”. I adjourn the meeting by saying “The meeting is adjourned”. A government declares war by saying “War is declared”. Performative utterances always use a performative expression, such as “apologize”, “thank”, and “congratulate”. I call this class of speech acts Declarations, because they make something the case by declaring it to be the case. They are remarkable in the philosophy of language, and indeed, as far as I know, only humans have this capacity to create a reality by representing that reality as existing. Declarations, as I said, are often performed by performative verbs, but often we make something the case by representing it as being the case without using an explicit performative verb. It says on American currency “This note is legal tender for all debts public and private”, but when they say that, the officials are not reporting a preexisting fact, nor are they ordering a fact into existence, they are making something the case by representing it as being the case. They are performing a Declaration. It is important to emphasize that in the Declaration, though the speech act has two directions of fit, it is not the case that two speech acts are performed. When I adjourn the meeting by saying “The meeting is adjourned”, I make it the case that the meeting is adjourned, and thus achieve the upward or world-to-word direction of fit, but I do it in the same speech act by representing the meeting as adjourned by means of the word-to-world direction of fit. It is not like having two directions of fit next door to each other. It is not like an order together with a statement, but rather it is a single speech act with both directions of fit at once.

5. **Speech Acts and Social Reality** Now, I want to advance a very strong claim, and it is one of the most important points in this lecture. All of human institutional reality, and indeed all of human Status Functions, and in that sense all of human civilization, is created and maintained by repeated applications of the

Declarational form of the speech act, and this is done for the purpose of creating and maintaining Status Functions. For that reason, I call these speech acts Status Functions Declarations. For example, Barack Obama is the president of the United States, I am the owner of certain property in Berkeley, and the piece of paper in my wallet is a 20 Euro note, and all of these facts are created by linguistic representations that have the logical form of Status Function Declarations. They need not always be explicit, as I said earlier, someone might become the boss just by being treated as, or regarded as, or in other various ways represented as being the boss, but in every case it is a representation that has a double direction of fit. It makes it the case that something exists by representing it as being the case.

It is perhaps important to emphasize that the representations that maintain a status function need not take the form of explicit declarations. Thus, for example, when someone simply introduces Barack Obama in front of the United States Congress as the president of the United States, we are *reinforcing* his position as president, as having the status function of the presidency. The important points to make, however, are these two: All of human institutional reality—money, property, government, marriage, cocktail parties, stock market transactions—are all created in their initial form by representations that have the double direction of fit by Status Function Declarations. But secondly, they are maintained in their existence by continuous representations that have that same double direction of fit.

One of the ways to observe this last point, that the representations are essential for the continued maintenance of the existence of status functions, is by observing social change. So, for example, revolutionary movements find it necessary to alter the vocabulary. In the Russian Revolution, the revolutionaries were anxious that people should stop addressing themselves by the old forms of address and that everybody should be addressed as “Comrade”. This marked a change in status functions. Similarly, though in a less extreme form, the feminist movement was anxious to get rid of the traditional vocabulary of “ladies and gentlemen”, because these marked institutional Status Functions that they wanted to alter.

6. Institutional Facts and Power

Now one might wonder why do we bother to do this? Why do we bother to create these status functions with this elaborate vocabulary and these elaborate procedures and codifications for maintaining the status functions in existence? And the answer is that we do not do this, typically, for decorative purposes, but we create powers in society by means of creating an institutional reality. We create power relations among individuals within institutional structures. How exactly does it work? All status functions

create a certain type of power that I call a “deontic power”, using the Greek word for duty. Deontic powers include such things as rights, duties, obligations, authorizations, authority, permissions, and requirements. And how do these work? These have a peculiar feature, which I think may also be unique to humans among animal species, and that is that when individual human beings recognize deontic powers—they recognize for example that they are under an obligation to do something or that other people have certain rights regarding them—they are recognizing that they have *desire independent reasons for action*. Thus, to take an example close to home, if I promise to give a talk today in San Raffaele, then when I wake up in the morning, I have a reason for giving the talk which is independent of my immediate inclinations. If I have an inclination to stay in bed or to go to a museum, I have to recognize that I have a prior obligation and that my obligation gives me a reason for action which is independent of my inclinations and which is an obligation which will override my inclinations. It is no exaggeration to say that this is the glue that holds human societies together. Pre-linguistic animals have all sorts of complex social relations, but they do not have systems of rights, duties, and obligations, and that is why they are unable to maintain the sort of relationships that humans can maintain. There is nothing in the animal world analogous to the system whereby I can today create an obligation for doing something a year, or indeed, many years hence, and then when the time comes, I have a reason for acting, for carrying out the action that constitutes fulfilling my obligation, and that reason is independent of my inclinations. The reason can be the basis of the desire to do something. I want to do it, because I recognize I have an obligation to do it; but in this case, the desire is grounded in the obligation and the recognition of the obligation gives rise to the desire. When I recognize your rights as a citizen and I recognize my obligations as results of undertakings that I have taken, then I have recognized that I have reasons for acting which are independent of and go beyond my immediate inclinations.

- 7. Summary** So far then, to summarize, I have maintained four theses. First, all of human institutional reality is created in its initial form by a certain type of linguistic representation that has the same logical structure as Declarations and as these create Status Functions, I call them Status Function Declarations. Secondly, institutional reality is maintained in its continuing existence by Status Function Declarations. Third, the status functions without exception function to create power.

They create positive and negative powers. The president of the United States, for example, has the positive power to veto congressional legislation, he has the negative power, obligation, to give a State of the Union message every year. So the purpose of institutional facts is to create power relations. Fourth, the powers in question have a very peculiar status, because they function by creating reasons for action that are independent of the desires or inclinations of the agents in question. The powers in question are rights, duties, obligations, permissions, authorizations, authorities, requirements, etc. All institutional facts are created by Status Function Declarations, and these Status Function Declarations create deontic powers, and Deontic powers, when recognized, give desire independent reasons for action.

8. **Glimpses Beyond** I believe the account I have given so far, brief and tentative though it is, provide the basis for much more extensive investigations into political, social, and institutional phenomena generally. I will discuss two further topics, a political power and human rights.
9. **Political Power** Intuitively, I think it is obvious that a political system exhibits a different kind of power from sheer, brute physical power, though of course, just about all known political systems require military and police force to back the institutional power. The suggestion I wish to make is that all political power is a matter of Status Functions, and this is why, in Max Weber's expression, the crucial question for any political system as with institutional reality generally, is one of "legitimacy". Political power differs from police power and military power in that it is a system of institutional structures and these institutional structures will function insofar as they are accepted and the question of stability and permanence is always at issue in any totalitarian system. From outside, totalitarian systems look simple, where the leader has absolute power and any questioning or challenge to the leadership is punishable by death. But from inside, the leaders are invariably desperately insecure. Think of Hitler, Stalin, or Mussolini, for example. They are constantly struggling against the threat of internal subversion. The mark of a healthy political system is that the set of Status Functions, the system of deontic powers encoded in rights, duties, obligations, political offices, courts, and criminal laws is simply taken for granted. To the extent that it is taken for granted, the Status Functions seem almost invisible. They just become part of the furniture. So, paradoxically, Status Functions tend to work best when people are unaware that they are there at all.

10.
Human Rights

Human rights are a perpetual source of debate, and I think most of the debate is confused, because people fail to recognize that human rights are a species of Status Function. The peculiarity of human rights is that, unlike most rights, the human right is not derived from some prior institutional structure. Property rights, marital rights, and educational rights derive from some institutional structure and the situation of people within the structure. The ingenuity in the concept of a human right is that just being a human being, by itself, is treated as a Y term. There is no logical reason why this should not be the case, but it is a surprising development, and I think it really only emerged in its present form at the time of the European Enlightenment. The point is that human rights provide a set of Status Functions, a set of deontic powers, that accrue to individuals not as owners of property, as husbands and wives, or possessors of university degrees, but simply in virtue of human beings. Can we justify such a conception? I think we can, but to do so is a non-trivial matter. There are two requirements necessary for any justification of human rights. First, we have to have a theory of human nature. So, for example, to justify the right to free speech, I think we have to understand that human beings are essentially speech act performing animals. The power of speech is not incidental to a full human life but is essential. The second feature in addition to a theory of human nature is a set of values, we need an axiology, a theory of relative values, because of course there lots of things that are human in nature, a tendency to violence perhaps, which do not thereby accrue any rights. It is because we think not only that the free exercise of speech is natural to human beings, but we think it is valuable, that we can justify the universal right to free expression.

I believe that the material presented here, material discussed at much more length in other works by me, provides a basis for further useful investigations in the human social and institutional reality¹.

¹ For further discussion of these issues, see my earlier books: Searle (1995), and Searle (2010).

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